

# Leaves of Absence: Employee Information



## Introduction

*This informational flyer is provided by the Tulare County Human Resources & Development Department (HR&D) as an overview of the leave of absence process and your responsibilities while on leave. Leaves of Absences are covered under various laws and labor agreements and may be either paid, or unpaid. You may be entitled to these leaves under the Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), the Pregnancy Disability Leave (PDL), the California Family Military Leave Act and various provisions within your labor agreement, which is called a Memorandum of Understanding (MOU). Contact your department or agency's Leave of Absence Administrator or HR&D if you have questions, need to take a leave, or to determine eligibility for any leaves listed here.*

## Types of Leaves

**Family & Medical Leave Act**—Under the Family and Medical Leave Act (FMLA), employees may qualify to take time off of work for certain health related issues for themselves or an eligible family member. Employees are eligible for up to a total of 12 weeks of unpaid leave during any 12-month period for one or more of the following reasons:

- for the birth and care for the newborn child of the employee
- for placement with the employee of a son or daughter for adoption or foster care
- to care for an immediate family member (spouse, child, or parent) with a serious health condition.
- to take medical leave when the employee is unable to work because of a serious health condition.
- for the illness/injury of a covered military service member
- to assist a child/spouse/parent with a “qualifying exigency” related to active duty or a call of active duty status in support of a contingency operation involving the US Armed Forces, National Guard, or Reserves.
- to care for a child/spouse/parent or “next of kin” service member of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active duty (*up to 26 weeks of leave*).

**California Family Right Act**— Along with the FMLA, Tulare County complies with the California Family Rights Act (CFRA). Please note that FMLA, CFRA and other state leaves may run concurrently.

**Pregnancy Disability Leave**—May be granted for up to 4 months to an employee who is unable to work due to a pregnancy or for prenatal care.

**Workers' Compensation Leave**—It is the employee's responsibility to report workplace injuries to his/her supervisor. The workers' compensation laws of the State shall cover all employees of the County. A workers' compensation leave is not considered a break in service for purposes of calculating seniority. *Applicable State and Federal family/medical leave provisions will run concurrent with workers' compensation leaves.*

**Personal Leave**—May be granted for up to 6 months, pursuant to County Personnel Rules, without pay by the Human Resources Director upon approval of the Department Head. A Department Head may authorize an employee leave of absence without pay for not more than forty (40) consecutive working hours.

**Military Leave**—Shall be granted in accordance with the provisions of applicable State and Federal law and County Personnel Rules. Employees who are called or volunteer for services with the Armed Forces of the United States or the California National Guard shall be entitled to be considered for reinstatement in accordance with the provisions of these rules.

**Types of Leaves continued on Page 2**

For Questions Regarding Leaves of Absence, Contact your department/agency's Leave Administrator:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

## Types of Leaves (cont.)

**School Leave**—Any County employee who is a parent, guardian or grandparent having custody, of one or more children in kindergarten or grades 1 through 12 shall be allowed up to forty (40) hours each school year, not to exceed eight (8) hours in any calendar month of the school year, to participate in activities of the school of their child. Such employee must provide reasonable advance notice of the planned absence and may be required to use vacation and/or CTO to cover the absence. The department may require the employee to provide documentation from the school as verification that the employee participated in school activities on a specific date and at a particular time. *If both parents, guardians or grandparents having custody work for the County at the same work site, only the first parent requesting shall be entitled to leave under this provision.*

**Military Leave**—Shall be granted in accordance with the provisions of applicable State and Federal law and County Personnel Rules. Employees who are called or volunteer for services with the Armed Forces of the United States or the California National Guard shall be entitled to be considered for reinstatement in accordance with the provisions of these rules.

**Bone Marrow/Organ Donation Leave**—Up to 5 days paid leave for bone marrow donation or up to 30 days paid leave for organ donation which is medically necessary and with an intended recipient. Use of accruals required with this leave.

**Domestic Violence Leave**—This leave allows victims of domestic violence to take either paid or unpaid time off to seek medical attention, seek legal assistance, obtain counseling, etc. as a result of domestic violence.

## Pay While on Leave

Compensation while on leave is based on an employee's availability of sick, vacation, and CTO. The use of accruals is outlined by each particular leave requirements.

**Paid Leave:** While on leave an employee is receiving compensation from accrued time or Workers Compensation.

**Unpaid Leave:** While on leave, an employee is NOT receiving any form of compensation from the County.

Going "unpaid" while on leave may require an adjustment of certain dates upon return from leave, such as next merit/performance review date, end of probation date, etc. Discuss potential impact of an unpaid leave with your department HR Representative.

## State Disability Insurance & Paid Family Leave

**State Disability Insurance (SDI)** may be available to you if you are unable to work as a result of pregnancy, or a non-work related injury or illness. Check your benefits summary to see if your bargaining unit pays into SDI. SDI benefits are not automatic. The employee must file a claim through the EDD office.

**Paid Family Leave (PFL)** benefits may be available to you if you are unable to work because you need to care for a seriously ill family member or bond with a new child. PFL is a component of the SDI program, so if your bargaining unit pays into SDI, you can file a claim for PFL.

The following bargaining units pay into SDI: 01,02,03,04,05, 06,07,08,09,12,16,19,20,21,22

See your Department or Agency's Leave of Absence Administrator for information about SDI or PFL.

Or visit [www.edd.ca.gov](http://www.edd.ca.gov)

## Vacation Donation

An employee may be eligible for **Vacation Donation** when he/she has exhausted all accrual balances and is willing to accept vacation hours donated to his/her accrual bank. Eligible employees are those who have themselves, or a member of his/her immediate family as defined by Personnel Rule 6.7.4.C, have suffered a catastrophic injury or illness. Contact your Department or Agency's Human Resources Representative for information.

## **Employee Responsibilities**

**Timely Notification**—Unless the leave was due to an unforeseen circumstance, such as an emergency, an employee must follow the guidelines set by his/her supervisor and/or department or agency's Leave of Absence Administrator of the need for a leave as soon as it is known. Delay in notifying your department or agency could result in the denial or delay of your leave request.

**Sufficient Information/Documentation**—When a leave requires documentation and/or medical certification, the employee will provide the supervisor, department or agency's Leave of Absence Administrator as soon as practicable in order to make the determination as to eligibility for the leave, i.e. FMLA or CFRA. Such documentation and/or medical certification must also contain enough information to make a determination regarding eligibility.

**Maintain Contact with the Leave Administrator and/or Supervisor**—While out on a Leave of Absence, the employee should remain in contact with the Department or Agency's Leave of Absence Administrator and/or immediate Supervisor in order to keep them informed of any status changes during the leave, i.e. extending the leave, date child born, date of next medical appointment, etc. Additional documentation, such as a medical certification update, may be needed to maintain the eligible status of the employee.

**Working While on Leave**—Employees are not permitted to work, including accessing County information or email accounts, while on leave of absence, except under terms and conditions specifically authorized by your department head or his/her "designee." Failure to comply with this directive may result in discipline up to and including dismissal.

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## **Leave of Absence and County Medical Insurance**

If an employee obtains medical insurance from the County, the following should be taken into consideration while the employee is out on a leave of absence:

- ◆ If an employee is eligible and approved for a leave protected by the Family Medical Leave Act (FMLA), the employee is retained on the County's Health Plan under the same conditions that applied before the leave began for the allowed 12 weeks in a 12 month period, regardless if the leave is paid or unpaid. Paid leave: The use of employee accruals will be such that health premiums are made through normal payroll deductions.
- ◆ During an approved **paid leave** of absence while eligible for Family Medical Leave Act (FMLA), the employee will retain the County's health plan under the same conditions that applied before the employee's leave began, not to exceed 12 weeks in a 12 month period, or Workers' Compensation Leave. The employee will continue to receive the benefit amount. Insurance premiums will be deducted from compensation received directly from the County while on a paid leave of absence (LOA, Paid Status).
- ◆ Once the employee's status changes to **unpaid** and continues to be eligible for **FMLA**, the County will apply the benefit amount portion to maintain coverage in the core benefits package (medical, dental, vision). The employee is responsible to pay the difference in premium that exceeds the Applied Benefit Amount. Any balances acquired during the leave for unpaid premiums will be invoiced to the employee separately. If the employee is enrolled in flexible spending and/or voluntary products through Chimienti & Associates or deferred compensation through Great West, the employee must contact them directly for payment arrangements to continue these benefits. Non-payment of premiums will result in suspension of your health coverage and/or voluntary products..

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## Leave of Absence and County Medical Insurance cont.

- ◆ Once you **exhaust FMLA** and become **unpaid** your health coverage will be suspended. You have the right to continue your health coverage (medical, dental, vision and flexible spending) on a self paid basis through COBRA. The Notice of Right to Elect COBRA Continuation will be mailed to your home address separately.
- ◆ Failure to make premium payments during an unpaid leave of absence no longer protected by FMLA may result in cancellation of coverage and collection action to recover past due premium costs.
- ◆ Impact on Other Benefits and Retirement
  - ◇ An employee on an unpaid leave is responsible for the payment of other benefits that continue such as flexible spending, life insurance, and voluntary products through Chimienti & Associates. It is the employee's responsibility to contact these vendors and make arrangements for continuation or suspension of coverage.
  - ◇ Retirement: An employee who is on an unpaid leave of absence will need to contact TCERA for information on or about their retirement contribution at (559) 713-2900.

**For questions regarding Health, Dental, Vision Benefits call the Benefits Unit at Human Resources & Development: (559) 636-4911.**

## NOTES



**Tulare County Human Resources & Development Department**

**2500 W. Burrell ♦ Visalia, CA 93291**

**General: 559-636-4900 ♦ Benefit Unit: 559-636-4911**

**Fax: 559-730-2597**